

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GUERRIER CANTAVE,

Defendant.

Criminal Action No. 14-CR-41 (DNH)

STIPULATION AND ORDER
FOR CONTINUANCE

Daniel DeMaria, Esq., the attorney for GUERRIER CANTAVE, having moved for a continuance of sixty (60) days within which the defense may prepare motions, analyze discovery, explore plea negotiations, and prepare for trial in the above-captioned action, and Richard S. Hartunian, United States Attorney for the Northern District of New York (Wayne A. Myers, Assistant United States Attorney, appearing) having consented to the continuance and proposed the exclusion of the sixty-day period under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A), the parties hereby stipulate and agree as follows:

1. The prior proceedings in this case occurred as follows:
 - a. Date of last arraignment: Waiver approved 2/4/2014
 - b. Date of indictment: 1/30/2014
 - c. Defendant's custody status: Released on conditions
2. The Court previously ordered the following exclusions under the Speedy Trial Act:
 - a. None.
3. The defendant has requested the continuance based on the following facts and circumstances:

a. The requested continuance allows for the reasonable time necessary for counsel to confer with the government to pursue the negotiation of a disposition of the charges against the defendant, complete discovery, research and file motions, and/or prepare for trial.

4. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial because:

a. The requested continuance allows for the reasonable time necessary for counsel to pursue the negotiation of a disposition of the charges against the defendant, complete discovery, research and file motions, and/or prepare for trial. The nature of the investigation, and the need for the defense to review the discovery, to conduct its own investigation, and to explore plea discussions, make it unreasonable to expect the defense to submit motions and be prepared to defend the case on the current schedule, taking into account the exercise of due diligence.

5. The parties stipulate and agree that a period of sixty (60) days beginning on and including the date on which the Court signs the requested order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(ii).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

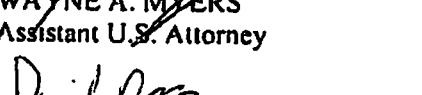
RICHARD S. HARTUNIAN
United States Attorney

Dated: February 27, 2014

By: 

WAYNE A. MYERS
Assistant U.S. Attorney

Dated: February 3, 2014

By: 

DANIEL DEMARIA,
Attorney for GUERRIER CANTAVE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GUERRIER CANTAVE,

Defendant.

Criminal Action No. 14-CR-41 (DNH)

ORDER

1. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

2. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because:

a. This delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

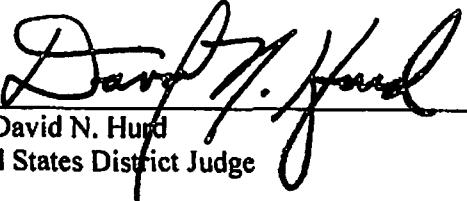
**BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS
IT IS HEREBY ORDERED:**

i. A period of sixty (60) days, beginning on and including the date of this Order shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the parties the reasonable time necessary for effective preparation.

ii. The deadline for the completion of discovery by the United States (otherwise due within 14 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by 60 days to MAY 04 2014. The deadline for the completion of reciprocal discovery by the Defendant(s) (otherwise due within 21 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by 60 days to MAY 04 2014.

iii. Any pretrial motions in this case shall be filed on or before APR 04 2014 and shall be made returnable on APR. 25 2014.

iv. The trial in this matter shall begin on MAY 09 2014 before United States District Judge Hurd in UTICA, New York or, in the alternative, a change of plea shall be entered on or before to be set up on request.


Hon. David N. Hurd
United States District Judge

Date: 3/6/14